

1 AMENDMENT TO HOUSE BILL 4004

2 AMENDMENT NO. _____. Amend House Bill 4004, on page 1,
3 immediately below line 20, by inserting the following:

4 "Section 10. The Naprapathic Practice Act is amended by
5 changing Sections 50, 85, and 110 as follows:

6 (225 ILCS 63/50)

7 (Section scheduled to be repealed on December 31, 2002)

8 Sec. 50. Naprapathic Examining Committee. The Director
9 shall appoint a Naprapathic Examining Committee to consist of
10 7 persons who shall be appointed by and shall serve in an
11 advisory capacity to the Director. Five members must hold an
12 active license to engage in the practice of naprapathy in
13 this State, one member shall be a physician licensed to
14 practice medicine in all of its branches in Illinois, and one
15 member must be a member of the public who is not licensed
16 under this Act or a similar Act of another jurisdiction or
17 has no connection with the profession. ~~The initial appointees~~
18 ~~who--would--otherwise--be--required--to--be--licensed--naprapaths~~
19 ~~shall--instead--be--individuals--who--have--been--practicing~~
20 ~~naprapathy--for--at--least--5--years--and--who--would--be--eligible~~
21 ~~under--this--Act--for--licensure--as--naprapaths.~~ Neither the
22 public member nor the physician member shall participate in

1 the preparation or administration of the examination of
2 applicants for licensure.

3 Members shall serve 4 year terms and until their
4 successors are appointed and qualified, ~~except that of the~~
5 ~~initial appointments, 2 members shall be appointed to serve~~
6 ~~for 2 years, 2 shall be appointed to serve for 3 years and~~
7 ~~the remaining members shall be appointed to serve for 4 years~~
8 ~~and until their successors are appointed and qualified.~~ No
9 member shall be reappointed to the Committee for a term that
10 would cause his or her continuous service on the Committee to
11 be longer than 8 consecutive years. Appointments to fill
12 vacancies shall be made in the same manner as original
13 appointments, for the unexpired portion of the vacated term.
14 Initial terms shall begin upon the effective date of this
15 Act. Committee members in office on that date shall be
16 appointed to specific terms as indicated in this Section.

17 The Committee shall annually elect a chairman and a
18 vice-chairman who shall preside in the absence of the
19 chairman.

20 The membership of the Committee should reasonably reflect
21 representation from the geographic areas in this State.

22 The Director may terminate the appointment of any member
23 for cause.

24 The Director may give due consideration to all
25 recommendations of the Committee.

26 Without limiting the power of the Department to conduct
27 investigations in any manner, the Committee may recommend to
28 the Director that one or more licensed naprapaths be selected
29 by the Director to conduct or assist in any investigation
30 under this Act. A licensed naprapath so selected may receive
31 remuneration as determined by the Director.

32 (Source: P.A. 89-61, eff. 6-30-95.)

(Section scheduled to be repealed on December 31, 2002)

Sec. 85. Fees. ~~The fees imposed under this Act are as follows and are not refundable:~~

(a) The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration. The fees shall be nonrefundable.

All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act. The fee for application for a license is \$250.

(b) ~~In addition to the application fee,~~ An applicant for the examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of initial screening to determine determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application and fee for examination has have been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

~~(c) The fee for the renewal of a license is \$125 per year.~~

~~(d) The fee for the restoration of a license that has been expired for less than 5 years is \$100, plus payment of all lapsed renewal fees.~~

~~(e) The fee for the restoration of a license that has been expired for more than 5 years is \$500.~~

~~(f) The fee for the issuance of a duplicate license, the issuance of a replacement for a license that has been lost or destroyed, or the issuance of a license with a change of name or address, other than during the renewal period, is~~

1 \$75.--No--fee--is--required--for--name-and-address-changes-on
2 Department-records-when-no-duplicate-license-is-issued.

3 (g)---The-fee-for-the-certification-of-a-license-for--any
4 purpose-is-\$50.

5 (h)---The--fee-for-the-reseoring-of-an-examination-is-the
6 cost-to-the-Department-of-reseoring-the-examination, plus-any
7 fees-charged-by-the-applicable-testing-service--to--have--the
8 examination-reseored.

9 (i)---The--fee-for-a-wall-certificate-shall-be-the-actual
10 cost-of-producing-the-certificate.

11 (j)---The--fee--for--a--roster--of--persons--licensed--as
12 naprapaths-is-the-actual-cost-of-producing-the-roster.

13 (k)---The--fee--for--application--for--a--license--by---a
14 naprapath--registered--or--licensed-under-the-laws-of-another
15 jurisdiction-is-\$500.

16 (l)---The-fee-for-application-as--a--continuing--education
17 sponsor--is--\$500.--State-agencies, State-colleges, and-State
18 universities-in-Illinois-are-exempt-from-paying-this-fee.

19 (m)---The--fee--for--renewal--as--a--continuing--education
20 sponsor-is-\$125-per-year.

21 All-of-the-fees-and-fines-collected-under-this-Act--shall
22 be--deposited--into--the--General-Professions-Dedicated-Fund.
23 All-moneys-in-the-Fund-shall-be-used--by--the--Department--of
24 Professional--Regulation,--as--appropriated,--for-the-ordinary
25 and-contingent-expenses-of-the-Department.

26 (Source: P.A. 88-683, eff. 1-24-95; 89-61, eff. 6-30-95;
27 89-626, eff. 8-9-96.)

28 (225 ILCS 63/110)

29 (Section scheduled to be repealed on December 31, 2002)

30 Sec. 110. Grounds for disciplinary action; refusal,
31 revocation, suspension.

32 (a) The Department may refuse to issue or to renew, or
33 may revoke, suspend, place on probation, reprimand or take

1 other disciplinary action as the Department may deem proper,
2 including fines not to exceed \$5,000 for each violation, with
3 regard to any licensee or license for any one or combination
4 of the following causes:

5 (1) Violations of this Act or its rules.

6 (2) Material misstatement in furnishing information
7 to the Department.

8 (3) Conviction of any crime under the laws of any
9 U.S. jurisdiction that is (i) a felony, (ii) a
10 misdemeanor, an essential element of which is dishonesty,
11 or (iii) directly related to the practice of the
12 profession.

13 (4) Making any misrepresentation for the purpose of
14 obtaining a license.

15 (5) Professional incompetence or gross negligence.

16 (6) Gross malpractice.

17 (7) Aiding or assisting another person in violating
18 any provision of this Act or its rules.

19 (8) Failing to provide information within 60 days
20 in response to a written request made by the Department.

21 (9) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 (10) Habitual or excessive use or addiction to
25 alcohol, narcotics, stimulants, or any other chemical
26 agent or drug that results in the inability to practice
27 with reasonable judgment, skill, or safety.

28 (11) Discipline by another U.S. jurisdiction or
29 foreign nation if at least one of the grounds for the
30 discipline is the same or substantially equivalent to
31 those set forth in this Act.

32 (12) Directly or indirectly giving to or receiving
33 from any person, firm, corporation, partnership, or
34 association any fee, commission, rebate, or other form of

1 compensation for any professional services not actually
2 or personally rendered. This shall not be deemed to
3 include rent or other remunerations paid to an
4 individual, partnership, or corporation by a naprapath
5 for the lease, rental, or use of space, owned or
6 controlled by the individual, partnership, corporation or
7 association.

8 (13) Using the title "Doctor" or its abbreviation
9 without further clarifying that title or abbreviation
10 with the word "naprapath" or "naprapathy" or the
11 designation "D.N."

12 (14) A finding by the Department that the licensee,
13 after having his or her license placed on probationary
14 status, has violated the terms of probation.

15 (15) Abandonment of a patient without cause.

16 (16) Willfully making or filing false records or
17 reports relating to a licensee's practice, including but
18 not limited to, false records filed with State agencies
19 or departments.

20 (17) Willfully failing to report an instance of
21 suspected child abuse or neglect as required by the
22 Abused and Neglected Child Reporting Act.

23 (18) Physical illness, including but not limited
24 to, deterioration through the aging process or loss of
25 motor skill that results in the inability to practice the
26 profession with reasonable judgment, skill, or safety.

27 (19) Solicitation of professional services by means
28 other than permitted advertising.

29 (20) Failure to provide a patient with a copy of
30 his or her record upon the written request of the
31 patient.

32 (21) Conviction by any court of competent
33 jurisdiction, either within or without this State, of any
34 violation of any law governing the practice of

1 naprapathy, conviction in this or another state of any
2 crime which is a felony under the laws of this State or
3 conviction of a felony in a federal court, if the
4 Department determines, after investigation, that the
5 person has not been sufficiently rehabilitated to warrant
6 the public trust.

7 (22) A finding that licensure has been applied for
8 or obtained by fraudulent means.

9 (23) Continued practice by a person knowingly
10 having an infectious or contagious disease.

11 (24) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act and
14 upon proof by clear and convincing evidence that the
15 licensee has caused a child to be an abused child or a
16 neglected child as defined in the Abused and Neglected
17 Child Reporting Act.

18 (25) Practicing or attempting to practice under a
19 name other than the full name shown on the license.

20 (26) Immoral conduct in the commission of any act,
21 such as sexual abuse, sexual misconduct, or sexual
22 exploitation, related to the licensee's practice.

23 (27) Maintaining a professional relationship with
24 any person, firm, or corporation when the naprapath
25 knows, or should know, that the person, firm, or
26 corporation is violating this Act.

27 (28) Promotion of the sale of food supplements,
28 devices, appliances, or goods provided for a client or
29 patient in such manner as to exploit the patient or
30 client for financial gain of the licensee.

31 (29) Having treated ailments of human beings other
32 than by the practice of naprapathy as defined in this
33 Act, or having treated ailments of human beings as a
34 licensed naprapath independent of a documented referral

1 or documented current and relevant diagnosis from a
2 physician, dentist, or podiatrist, or having failed to
3 notify the physician, dentist, or podiatrist who
4 established a documented current and relevant diagnosis
5 that the patient is receiving naprapathic treatment
6 pursuant to that diagnosis.

7 (30) Use by a registered naprapath of the word
8 "infirmary", "hospital", "school", "university", in
9 English or any other language, in connection with the
10 place where naprapathy may be practiced or demonstrated.

11 (31) Continuance of a naprapath in the employ of
12 any person, firm, or corporation, or as an assistant to
13 any naprapath or naprapaths, directly or indirectly,
14 after his or her employer or superior has been found
15 guilty of violating or has been enjoined from violating
16 the laws of the State of Illinois relating to the
17 practice of naprapathy when the employer or superior
18 persists in that violation.

19 (32) The performance of naprapathic service in
20 conjunction with a scheme or plan with another person,
21 firm, or corporation known to be advertising in a manner
22 contrary to this Act or otherwise violating the laws of
23 the State of Illinois concerning the practice of
24 naprapathy.

25 (33) Failure to provide satisfactory proof of
26 having participated in approved continuing education
27 programs as determined by the Committee and approved by
28 the Director. Exceptions for extreme hardships are to be
29 defined by the rules of the Department.

30 (34) Willfully making or filing false records or
31 reports in the practice of naprapathy, including, but not
32 limited to, false records to support claims against the
33 medical assistance program of the Department of Public
34 Aid under the Illinois Public Aid Code.

1 (35) Gross or willful overcharging for professional
2 services including filing false statements for collection
3 of fees for which services are not rendered, including,
4 but not limited to, filing false statements for
5 collection of monies for services not rendered from the
6 medical assistance program of the Department of Public
7 Aid under the Illinois Public Aid Code.

8 (36) Mental illness, including, but not limited to,
9 deterioration through the aging process or loss of motor
10 skill that results in the inability to practice the
11 profession with reasonable judgment, skill, or safety.

12 The Department may refuse to issue or may suspend the
13 license of any person who fails to (i) file a return or to
14 pay the tax, penalty or interest shown in a filed return or
15 (ii) pay any final assessment of the tax, penalty, or
16 interest as required by any tax Act administered by the
17 Illinois Department of Revenue, until the time that the
18 requirements of that tax Act are satisfied.

19 (b) The determination by a circuit court that a licensee
20 is subject to involuntary admission or judicial admission as
21 provided in the Mental Health and Developmental Disabilities
22 Code operates as an automatic suspension. The suspension
23 will end only upon a finding by a court that the patient is
24 no longer subject to involuntary admission or judicial
25 admission, the issuance of an order so finding and
26 discharging the patient, and the recommendation of the
27 Committee to the Director that the licensee be allowed to
28 resume his or her practice.

29 (c) In enforcing this Section, the Department, upon a
30 showing of a possible violation, may compel any person
31 licensed to practice under this Act or who has applied for
32 licensure or certification pursuant to this Act to submit to
33 a mental or physical examination, or both, as required by and
34 at the expense of the Department. The examining physicians

1 shall be those specifically designated by the Department. The
2 Department may order the examining physician to present
3 testimony concerning this mental or physical examination of
4 the licensee or applicant. No information shall be excluded
5 by reason of any common law or statutory privilege relating
6 to communications between the licensee or applicant and the
7 examining physician. The person to be examined may have, at
8 his or her own expense, another physician of his or her
9 choice present during all aspects of the examination. Failure
10 of any person to submit to a mental or physical examination,
11 when directed, shall be grounds for suspension of a license
12 until the person submits to the examination if the Department
13 finds, after notice and hearing, that the refusal to submit
14 to the examination was without reasonable cause.

15 If the Department finds an individual unable to practice
16 because of the reasons set forth in this Section, the
17 Department may require that individual to submit to care,
18 counseling, or treatment by physicians approved or designated
19 by the Department, as a condition, term, or restriction for
20 continued, reinstated, or renewed licensure to practice or,
21 in lieu of care, counseling, or treatment, the Department may
22 file a complaint to immediately suspend, revoke, or otherwise
23 discipline the license of the individual.

24 Any person whose license was granted, continued,
25 reinstated, renewed, disciplined, or supervised subject to
26 such terms, conditions, or restrictions and who fails to
27 comply with such terms, conditions, or restrictions shall be
28 referred to the Director for a determination as to whether
29 the person shall have his or her license suspended
30 immediately, pending a hearing by the Department.

31 In instances in which the Director immediately suspends a
32 person's license under this Section, a hearing on that
33 person's license must be convened by the Department within 15
34 days after the suspension and completed without appreciable

1 delay. The Department shall have the authority to review the
2 subject person's record of treatment and counseling regarding
3 the impairment, to the extent permitted by applicable federal
4 statutes and regulations safeguarding the confidentiality of
5 medical records.

6 A person licensed under this Act and affected under this
7 Section shall be afforded an opportunity to demonstrate to
8 the Department that he or she can resume practice in
9 compliance with acceptable and prevailing standards under the
10 provisions of his or her license.

11 (Source: P.A. 89-61, eff. 6-30-95.)"